

Plaintiff filed his Complaint without paying the \$400.00 filing fee and without filing an application to proceed without prepayment of fees. On September 18, 2019, the Clerk of Court sent Plaintiff a deficiency notice advising Plaintiff that he must file an application to proceed without prepayment of fees or pay the filing fee within 21 days. [Doc. 2]. The Clerk enclosed a copy of the application and advised the Plaintiff that his failure to comply may result in the


dismissal of this action without prejudice for failure to prosecute. [Id.].

At this time, Plaintiff has failed to file the application to proceed without prepayment of fees or pay the filing fee. As such, the Court will dismiss Plaintiff's Complaint without prejudice to refile a complaint, including the filing fee or the above-cited application, if he so chooses.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Complaint [Doc. 1] is dismissed without prejudice for failure to prosecute.
2. The Clerk is instructed to terminate this action.

Signed: February 3, 2020

  
Frank D. Whitney  
Chief United States District Judge

